

**LAW COUNCIL OF AUSTRALIA**  
**PRESIDENT'S AWARD 2021**  
**ACCEPTANCE SPEECH BY TERRY O'GORMAN**

In the Australian Financial Review of 26 November 2021 there was an article dealing with authoritarian leaders strengthening their rule around the world. The article's conclusion is that internationally democracy has been in retreat. The global average of the Economist's Democracy Index which measures the quality of democracies in countries around the world has fallen since 2015 and in 2020 reached its lowest level.

The article noted that what truly makes a democracy is a network of institutional norms in which elections, and then governance, takes place.

Two of these norms are:-

- Are judicial authorities independent
- Are there adequate means to contain and balance the power of the government of the day.

This is where the role of the Law Council has been over the years, and particularly today, so critical.

The Law Council's recent advocacy in the areas of National Security laws, a national Judicial Commission and a national Integrity Commission and the so called Religious Freedoms legislation has been critically important in containing and balancing the power of the government of the day, be it a Coalition government or a Labor one.

The Law Council's public stance on the need to inform secret trials has been especially important this year.

The appearance before the Independent National Security Legislation Monitor in June this year by Dr Jacoba Brasch QC, Phillip Boulten SC and Dr Natasha Molt from the Law Council on the current problem of secret trials in my view highlights the superb work done by the Law Council in bringing to public attention the so called 'Alan Johns' case who pleaded guilty in an entirely closed Court to unknown offences, was given a term of imprisonment in a Canberra Court where even the ACT Attorney-General was not made aware that 'Johns' was imprisoned in a jail that the Attorney-General ultimately oversees.

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In talking about the ACT Attorney-General we currently have the utterly absurd and truly Kafkaesque scenario currently being played out in the Bernard Collaery case where the ACT Court of Appeal Judgment handed down two months ago demanding that that case be heard in public is still not publicly available as the Federal Government strives to keep the Judgment itself secret. And the point of National Security involved? That Australia secretly bugged the Cabinet room of Timor-Leste said to be the second poorest nation of the world to get a commercial advantage during oil and gas negotiations in 2004.

So while I gratefully acknowledge the honour that the Law Council has bestowed on me by giving me the President's Award for 2021 I acknowledge and recognise the superb role played by the Law Council in promoting the quality of democracy especially at a federal level in Australia particularly by highlighting and being forthrightly critical of the growing scourge of secret criminal trials.

The Law Council's public advocacy role fits well within a philosophical position of "there is nothing more agreeable than to make peace with government – and nothing more corrupting".